

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Atomic Safety and Licensing Board

Before Administrative Judges:  
Thomas S. Moore, Chairman  
Paul S. Ryerson  
Richard E. Wardwell

_____ )	
In the Matter of )	Docket No. 63-001
U.S. DEPARTMENT OF ENERGY )	ASLBP No. 09-892-HLW-CAB04
(High-Level Waste Repository) )	April 20, 2010
_____ )	

**DEPARTMENT OF ENERGY’S SUPPLEMENT TO ITS NOTICE OF DEFERRAL OF FILING OF REQUEST FOR RECORDS DISPOSITION AUTHORITY**

On April 16, 2010, the U.S. Department of Energy (“DOE”) filed with this Board a Notice of Deferral of Filing of Request for Records Disposition Authority (“Notice”) in light of the Government’s representation to the D.C. Circuit Court of Appeals that DOE would not be undertaking further actions to effectuate a shutdown of the Yucca Mountain Program through May 5, 2010. Based in part on this representation, the Court of Appeals granted the Government’s motion to extend the time to file a reply to the petitioner’s motion for a preliminary injunction. A copy of the Court of Appeals’ Order granting the Government’s motion was attached to the Notice. Contrary to the statement in the Notice, the Court of Appeals Order did not rule on the request for a preliminary injunction. We are filing this supplement to the Notice to clarify the record before this Board.

Respectfully submitted,

U.S. DEPARTMENT OF ENERGY

By Electronically Signed by Michael R. Shebelskie

Donald P. Irwin  
Michael R. Shebelskie  
HUNTON & WILLIAMS LLP  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, Virginia 23219-4074

Scott Blake Harris  
Sean A. Lev  
James Bennett McRae  
U.S. DEPARTMENT OF ENERGY  
Office of General Counsel  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

Counsel for the U.S. Department of Energy

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the DEPARTMENT OF ENERGY'S SUPPLEMENT TO ITS NOTICE OF DEFERRAL OF FILING OF REQUEST FOR RECORDS DISPOSITION AUTHORITY have been served on the following persons on this 20th day of April 2010 through the Nuclear Regulatory Commission's Electronic Information Exchange.

**CAB 04**

**Atomic Safety and Licensing Board Panel**

**Thomas S. Moore, Chair**

E-mail: [tsm2@nrc.gov](mailto:tsm2@nrc.gov)

**Paul S. Ryerson**

E-mail: [psr1@nrc.gov](mailto:psr1@nrc.gov)

**Richard E. Wardwell**

E-mail: [rew@nrc.gov](mailto:rew@nrc.gov)

**Parties Served**

Adams, Marta  
Andersen, Robert M.  
Bailey, Annie

**E-mail Addresses**

[madams@ag.nv.gov](mailto:madams@ag.nv.gov)  
[robert.andersen@akerman.com](mailto:robert.andersen@akerman.com)  
[baileys@lcturbonet.com](mailto:baileys@lcturbonet.com)

Barlow, Gregory	<a href="mailto:lcdal@lcturbonet.com">lcdal@lcturbonet.com</a>
Baughman, Mike	<a href="mailto:bigboff@aol.com">bigboff@aol.com</a>
Bauser, Michael A.	<a href="mailto:mab@nei.org">mab@nei.org</a>
Belete, Elene	<a href="mailto:ebelete@jsslaw.com">ebelete@jsslaw.com</a>
Bell, Kevin W.	<a href="mailto:kwbell@energy.state.ca.us">kwbell@energy.state.ca.us</a>
Berkey, Curtis	<a href="mailto:curtis.berkey@abwwlaw.com">curtis.berkey@abwwlaw.com</a>
Beutel, Theodore	<a href="mailto:tbeutel@eurekanv.org">tbeutel@eurekanv.org</a>
Bollwerk III, G. Paul	<a href="mailto:gpb@nrc.gov">gpb@nrc.gov</a>
Borski, Laurie	<a href="mailto:lborski@nuclearlawyer.com">lborski@nuclearlawyer.com</a>
Brooks, Felicia M.	<a href="mailto:fbrooks@ndnlaw.com">fbrooks@ndnlaw.com</a>
Bupp, Margaret	<a href="mailto:mjb5@nrc.gov">mjb5@nrc.gov</a>
Carter, Lorraine	<a href="mailto:lcarter@captionreporters.com">lcarter@captionreporters.com</a>
Cereghino, Stephen	<a href="mailto:stephen_cereghino@ymp.gov">stephen_cereghino@ymp.gov</a>
Choate, Zoie	<a href="mailto:zchoate@co.nye.nv.us">zchoate@co.nye.nv.us</a>
Colburn, Ross	<a href="mailto:rcolburn@ndnlaw.com">rcolburn@ndnlaw.com</a>
Cottingham, Anne	<a href="mailto:awc@nei.org">awc@nei.org</a>
Crosland, Martha S.	<a href="mailto:Martha.Crosland@hq.doe.gov">Martha.Crosland@hq.doe.gov</a>
Curran, Diane	<a href="mailto:dcurran@harmoncurran.com">dcurran@harmoncurran.com</a>
Damele, Ronald	<a href="mailto:rdamele@eurekanv.org">rdamele@eurekanv.org</a>
Dinunzio, Nicholas	<a href="mailto:Nicholas.Dinunzio@hq.doe.gov">Nicholas.Dinunzio@hq.doe.gov</a>
Dobie, Julie	<a href="mailto:jdobie@gklaw.com">jdobie@gklaw.com</a>
Dreher, Michael	<a href="mailto:michael.dreher@nrc.gov">michael.dreher@nrc.gov</a>
Dudley, Sherry	<a href="mailto:sdudley@co.nye.nv.us">sdudley@co.nye.nv.us</a>
Dunning, Michael	<a href="mailto:MichaelD@atg.wa.gov">MichaelD@atg.wa.gov</a>
Durbin, Susan	<a href="mailto:susan.durbin@doj.ca.gov">susan.durbin@doj.ca.gov</a>
Elk, Shane	<a href="mailto:sthinelk@ndnlaw.com">sthinelk@ndnlaw.com</a>
Eredia, Sally	<a href="mailto:seredia@ndnlaw.com">seredia@ndnlaw.com</a>
Fitzpatrick, Charles J.	<a href="mailto:cfitzpatrick@nuclearlawyer.com">cfitzpatrick@nuclearlawyer.com</a>
Francis, Karin	<a href="mailto:kxf4@nrc.gov">kxf4@nrc.gov</a>
Fraser, Matthew	<a href="mailto:mfraser@harmoncurran.com">mfraser@harmoncurran.com</a>
Frishman, Steve	<a href="mailto:steve.frishman@gmail.com">steve.frishman@gmail.com</a>
Giitter, Rebecca	<a href="mailto:rll@nrc.gov">rll@nrc.gov</a>
Gilman, Joseph	<a href="mailto:jsg1@nrc.gov">jsg1@nrc.gov</a>
Ginsberg, Ellen C.	<a href="mailto:ecg@nei.org">ecg@nei.org</a>

Golshan, K. G.	<a href="mailto:kg.golshan@nrc.gov">kg.golshan@nrc.gov</a>
Gores, Jennifer A.	<a href="mailto:jgores@armstrongteasdale.com">jgores@armstrongteasdale.com</a>
Graser, Daniel J.	<a href="mailto:djg2@nrc.gov">djg2@nrc.gov</a>
Gutierrez, Jocelyn	<a href="mailto:Jocelyn.Gutierrez@ymp.gov">Jocelyn.Gutierrez@ymp.gov</a>
Hanna, Robert S.	<a href="mailto:rshanna@bsglaw.net">rshanna@bsglaw.net</a>
Harrington, Arthur J.	<a href="mailto:aharring@gklaw.com">aharring@gklaw.com</a>
Harris, Scott Blake	<a href="mailto:Scott.Harris@hq.doe.gov">Scott.Harris@hq.doe.gov</a>
Hawkins, E. Roy	<a href="mailto:erh@nrc.gov">erh@nrc.gov</a>
Hearing Docket	<a href="mailto:hearingdocket@nrc.gov">hearingdocket@nrc.gov</a>
Heinzen, Steven A.	<a href="mailto:sheinzen@gklaw.com">sheinzen@gklaw.com</a>
Hembacher, Brian	<a href="mailto:brian.hembacher@doj.ca.gov">brian.hembacher@doj.ca.gov</a>
Horin, William	<a href="mailto:whorin@winston.com">whorin@winston.com</a>
Houck, Darcie L.	<a href="mailto:dhouck@ndnlaw.com">dhouck@ndnlaw.com</a>
James, Gregory L. Esq.	<a href="mailto:gljames@earthlink.net">gljames@earthlink.net</a>
Johnson, Abigail	<a href="mailto:eurekanrc@gmail.com">eurekanrc@gmail.com</a>
Kahn, Zachary	<a href="mailto:zxk1@nrc.gov">zxk1@nrc.gov</a>
Keskey, Don	<a href="mailto:donkeskey@publiclawresourcenter.com">donkeskey@publiclawresourcenter.com</a>
Klevatorick, Phil	<a href="mailto:klevatorick@co.clark.nv.us">klevatorick@co.clark.nv.us</a>
Larimore, Patricia	<a href="mailto:plarimore@talisman-intl.com">plarimore@talisman-intl.com</a>
Lawrence, John W.	<a href="mailto:jlawrence@nuclearlawyer.com">jlawrence@nuclearlawyer.com</a>
Leigh, Rovianne	<a href="mailto:rleigh@abbwlaw.com">rleigh@abbwlaw.com</a>
Lembke, Alisa	<a href="mailto:alembke@inyocounty.us">alembke@inyocounty.us</a>
Lenahan, Daniel	<a href="mailto:daniel.lenahan@nrc.gov">daniel.lenahan@nrc.gov</a>
Lev, Sean	<a href="mailto:sean.lev@hq.doe.gov">sean.lev@hq.doe.gov</a>
Lewis, Linda	<a href="mailto:linda.lewis@nrc.gov">linda.lewis@nrc.gov</a>
List, Robert F.	<a href="mailto:rlist@armstrongteasdale.com">rlist@armstrongteasdale.com</a>
Loveland, Bryce	<a href="mailto:bloveland@jsslw.com">bloveland@jsslw.com</a>
Lynch, Susan	<a href="mailto:slynch1761@gmail.com">slynch1761@gmail.com</a>
Maerten, Daniel	<a href="mailto:Daniel.Maerten@caci.com">Daniel.Maerten@caci.com</a>

Malsch, Martin G.	<a href="mailto:mmalsch@nuclearlawyer.com">mmalsch@nuclearlawyer.com</a>
Martin, Circe	<a href="mailto:ogemailcenter@nrc.gov">ogemailcenter@nrc.gov</a>
Martinez, Melanie	<a href="mailto:wpnucwst2@mwpower.net">wpnucwst2@mwpower.net</a>
Mathias, Linda	<a href="mailto:yuccainfo@mineralcountynv.org">yuccainfo@mineralcountynv.org</a>
McRae, Ben	<a href="mailto:Ben.McRae@hq.doe.gov">Ben.McRae@hq.doe.gov</a>
Mercado, Michele	<a href="mailto:michele.mercado@doj.ca.gov">michele.mercado@doj.ca.gov</a>
Miras-Wilson, Rachel	<a href="mailto:rwilson@winston.com">rwilson@winston.com</a>
Montesi, Susan	<a href="mailto:smontesi@nuclearlawyer.com">smontesi@nuclearlawyer.com</a>
Moore, Thomas S.	<a href="mailto:tsm2@nrc.gov">tsm2@nrc.gov</a>
Mueller, Edwin	<a href="mailto:muellered@msn.com">muellered@msn.com</a>
Murphy, Malachy	<a href="mailto:mrmurphy@chamberscable.com">mrmurphy@chamberscable.com</a>
Nezhad, Cyrus	<a href="mailto:Cyrus.Nezhad@hq.doe.gov">Cyrus.Nezhad@hq.doe.gov</a>
Niegemann, Brian	<a href="mailto:bniegemann@ndnlaw.com">bniegemann@ndnlaw.com</a>
OCAA Mail Center	<a href="mailto:OCAAMAIL@nrc.gov">OCAAMAIL@nrc.gov</a>
Pak, Christina	<a href="mailto:Christina.Pak@hq.doe.gov">Christina.Pak@hq.doe.gov</a>
Peebles, John M.	<a href="mailto:jpeebles@ndnlaw.com">jpeebles@ndnlaw.com</a>
Peterson, William	<a href="mailto:paengineer@juno.com">paengineer@juno.com</a>
Pitchford, Loreen, LSN Coordinator	<a href="mailto:lpitchford@comcast.net">lpitchford@comcast.net</a>
Pitts, Jason	<a href="mailto:jayson@idtservices.com">jayson@idtservices.com</a>
Poland, Douglas M.	<a href="mailto:dpoland@gklaw.com">dpoland@gklaw.com</a>
Putzu, Frank	<a href="mailto:frank.putzu@navy.mil">frank.putzu@navy.mil</a>
Renfro, Hanna	<a href="mailto:hrenfro@gklaw.com">hrenfro@gklaw.com</a>
Repka, David A.	<a href="mailto:drepka@winston.com">drepka@winston.com</a>
Rhoan, Robert	<a href="mailto:rrhoan@ndnlaw.com">rrhoan@ndnlaw.com</a>
Robbins, Alan	<a href="mailto:arobbins@jsslaw.com">arobbins@jsslaw.com</a>
Roby, Debra	<a href="mailto:droby@jsslaw.com">droby@jsslaw.com</a>
Rosenthal, Alan S.	<a href="mailto:rsnthl@nrc.gov">rsnthl@nrc.gov</a> ; <a href="mailto:axr@nrc.gov">axr@nrc.gov</a>
Rotman, Matthew	<a href="mailto:matthew.rotman@nrc.gov">matthew.rotman@nrc.gov</a>
Ryan, Tom	<a href="mailto:Tom.Ryan@nrc.gov">Tom.Ryan@nrc.gov</a>
Ryerson, Paul S.	<a href="mailto:psr1@nrc.gov">psr1@nrc.gov</a>
Schwartz, Jacqueline	<a href="mailto:jschwartz@gklaw.com">jschwartz@gklaw.com</a>
Sears, Richard	<a href="mailto:rwsears@wpcda.org">rwsears@wpcda.org</a>
Silberg, Jay E.	<a href="mailto:jay.silberg@pillsburylaw.com">jay.silberg@pillsburylaw.com</a>
Silvia, Andrea L.	<a href="mailto:alc1@nrc.gov">alc1@nrc.gov</a>

Simkins, Connie  
Simon, Mike

[jcciac@co.lincoln.nv.us](mailto:jcciac@co.lincoln.nv.us)  
[wpnucast1@mwpower.net](mailto:wpnucast1@mwpower.net)

Sisco, Carlos L.

[csisco@winston.com](mailto:csisco@winston.com)

Sommer, Josephine

[Josephine.Sommer@ymp.gov](mailto:Josephine.Sommer@ymp.gov)

Sullivan, Timothy E.  
Thompson, Jonathan  
Tucker, Katherine  
VanNiel, Jeffrey D.  
Vazquez, Tameka  
Vibert, Elizabeth A.

[timothy.sullivan@doj.ca.gov](mailto:timothy.sullivan@doj.ca.gov)  
[JonaT@atg.wa.gov](mailto:JonaT@atg.wa.gov)  
[Katie.Tucker@nrc.gov](mailto:Katie.Tucker@nrc.gov)  
[nbrjdn@gmail.com](mailto:nbrjdn@gmail.com)  
[purpose\\_driven@yahoo.com](mailto:purpose_driven@yahoo.com)  
[VibertE@co.clark.nv.us](mailto:VibertE@co.clark.nv.us)

Walsh, Timothy J.

[timothy.walsh@pillsburylaw.com](mailto:timothy.walsh@pillsburylaw.com)

Wardwell, Richard E.  
Webb, Maria

[rew@nrc.gov](mailto:rew@nrc.gov)  
[maria.webb@pillsburylaw.com](mailto:maria.webb@pillsburylaw.com)

Whipple, Bret  
Williams, Scott  
Woodington, Kenneth  
Young, Mitzi A.  
Zabarte, Ian

[bretwhipple@lcturbonet.com](mailto:bretwhipple@lcturbonet.com)  
[swilliams@abbwlaw.com](mailto:swilliams@abbwlaw.com)  
[kwoodington@dml-law.com](mailto:kwoodington@dml-law.com)  
[may@nrc.gov](mailto:may@nrc.gov)  
[mrizabarte@gmail.com](mailto:mrizabarte@gmail.com)

Zobler, Marian L.

[mlz@nrc.gov](mailto:mlz@nrc.gov)

**U.S. DEPARTMENT OF ENERGY**

By Electronically Signed by Stephanie E. Meharg

Donald P. Irwin  
Michael R. Shebelskie  
HUNTON & WILLIAMS LLP  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, Virginia 23219-4074

James Bennett McRae  
U.S. DEPARTMENT OF ENERGY  
Office of General Counsel  
Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

Counsel for the U.S. Department of Energy